

REMARKS

In response to the Office Action dated November 15, 2004, please consider the following amendments and remarks made in a good faith attempt to move prosecution of this application forward to a proper allowance of the claims.

Please note that any and all fees associated with this response, including any applicable extension fees under 37 C.F.R. 1.136, and any fees for newly presented claims, may be charged to the deposit account of the undersigned, Account No. **50-0894**.

Applicant here requests such extensions under 37 C.F.R. 1.136 as may be necessary to render this response timely.

Claim Rejections

Claims 3 & 5 currently stand rejected under 35 U.S.C. 102(b) in view of U.S. Patent No. 4,555,159 issued to Chartrain et al ("Chartrain"). Please note that claim 3 (and likewise claim 5 that depends therefrom) has been amended to obviate such rejection. More specifically, claim 3 has been amended to explicitly recite "cable engagement means...having one or more lobes providing for hand actuation of said cable engagement means." (See Claim Amendments). These amendments do not contain new matter and are fully supported in the specification and drawings of the present application.

Applicant acknowledges that the Chartrain document discloses a cable engagement means 34, 28 for connecting the battery terminal to a terminal length of an electrical cable; however, Chartrain fails to teach a cable engagement means as claimed by Applicant. Referring to figure 2 and figure 4 of the Chartrain document, one can easily

see that a screwdriver-type tool is required to actuate threaded bolt 34 through threaded aperture 32 to secure a cable in the corresponding orifice.

However, Applicant's invention provides a cable engagement means that requires no additional tools during operation. Instead, a user may actuate the engagement means by hand, by simple manipulation of an attached lobe 40, 42. (See figure 1, figure 2). The novel benefits associated with Applicant's invention are clear; that is, Applicant's invention provides a tremendous saving with respect to time and efficiency, and eliminates the requirement of additional tools.

Claims 3, 4, & 6 currently stand under 35 U.S.C. 102(b) in view of U.S. Patent No. 3,478,306 issued to McCray ("McCray"). Applicant acknowledges the McCray document discloses a battery cable clamp assembly; however, the McCray document fails to provide appropriate basis for a 35 U.S.C. 102(b) rejection as it fails to disclose every element of Applicant's claimed invention. More specifically, Applicant cannot find a post engagement means having clamping tab members in the McCray document. Nor can Applicant find a post-securing cam assembly operatively engaged with post engagement means clamping tabs members in the McCray document. "Anticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 193 (Fed. Cir. 1983)). (emphasis added).

McCray, as best understood, only has clamping tab members opposing one another to secure a received cable there between. Referring to figure 1 and figure 3 of McCray, it is easily seen that there is no post engagement means having clamping tab members.

Rather, McCray discloses a device having clamping tab members surrounding only a received cable. These clamping tab members may be forced, by actuation of a screw, to but-against a battery post as they slide along a tract. Importantly, this distinction is not a minor one. By virtue of the configuration of the McCray device, in order to loosen or tighten the device about the battery post, one must necessarily loosen or tighten the device about the cable. This configuration is limited in that there can be no independent adjustment with respect to the battery post or cable. And, this limitation is rooted in the fact that there is no clamping tab members in the McCray post engagement means. On the other hand, Applicant's claimed invention provides for independent operation/adjustment of the post engagement means and cable engagement means. This is simply not taught by the McCray document.

Further, Applicant cannot find a post-securing cam assembly operatively engaged with post-engagement clamping tab members. Referring to figures 1,2, and 3 of the McCray document, one can easily see that the an actuation means is engaged only with a cable securing means. As actuation means operates, the cable securing means slides along a tract between a first and second position. Again, because there is not cam assembly-post engagement clamping tab member combination, a user necessarily must the cable engagement means to have any effect on the post engagement means. This eliminates the independent operation regarding the post engagement means and cable engagement means inherent in Applicant's claimed invention.

Claims 1 & 2 currently stand under 35 U.S.C. 103(a) in view U.S. Patent No. 2,134,623 issued to Rowe ("Rowe") and further in view of U.S. Patent No. 3,478,306

issued to McCray ("McCray"). Applicant respectfully submits that the recited combination does not teach every element of Applicant's claimed invention. Nevertheless, please note that claim 1 has been amended to further clarify the distinction between that disclosed in the referenced documents and Applicant's claimed invention.

With respect to the Rowe document, one can easily see that a screwdriver-type tool is required to actuate threaded bolt 11 through its threaded aperture to secure a cable in the corresponding orifice. However, Applicant's invention provides a cable engagement means that requires no additional tools during operation. Instead, a user may actuate the engagement means by hand, by simple manipulation of an attached lobe 40, 42. (See figure 1, figure 2). The novel benefits associated with Applicant's invention are clear; that is, Applicant's invention provides a tremendous saving with respect to time and efficiency, and eliminates the requirement of additional tools.

DRAWING AMENDMENTS